Entered on Docket
November 12, 2009

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

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Counsel for Official Committee of Unsecured Creditors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re XYIENCE INCORPORATED, a Nevada corporation, Debtor.	Chapter 11 No. BK-S-08-10474-MKN Date: November 4, 2009 Time: 9:30 a.m.

ORDER GRANTING MOTION TO IMPLEMENT CONFIRMED PLAN OF REORGANIZATION

The *Motion to Implement Confirmed Plan of Reorganization* (the "Motion") filed by the Official Committee of Unsecured Creditors (the "Committee") appointed in the above-captioned bankruptcy case[1] came before the Court pursuant to an Order Shortening Time, with appearances noted on the record of proceedings. The Court having considered

[1] Undefined capitalized terms used herein shall have the meanings ascribed to such terms in the Motion.

the Motion, the Declaration of Laurel E. Davis and the Declaration of David Herzog; counsel for the Committee having represented that the deadline for entering into the proposed contingent fee engagement letter (the "Engagement Letter," a true and correct copy of which is attached to the Herzog Declaration as Exhibit 2) has been extended to November 9, 2009; the lack of opposition to the Motion, and other good cause appearing,

IT IS HEREBY ORDERED as follows:

1. The Motion is granted.

2. The deadline for filing objections to claims set forth in section 11.1 of the Debtor's confirmed Plan of Reorganization shall be extended to 300 days after the Effective Date.

3. The Engagement Letter, including the proposed contingent fee agreement reflected therein, is approved.

4. After David Herzog has formally accepted his appointment as Liquidating Trustee by signing and filing with the Court an executed copy of the Liquidating Trust Agreement, he is authorized to execute any document or take any other actions as may be necessary to effectuate the arrangement described in the contingent fee agreement.

5. Entry of this Order will allow the Effective Date of the Debtor's Plan, which has not yet occurred, to occur.

6. To the extent applicable, the stay imposed by Rule 3020(e) of the Federal Rules of Bankruptcy Procedure is hereby lifted such that this order shall become effective immediately

upon entry.

IT IS SO ORDERED.

SUBMITTED BY:
K&L GATES LLP

/s/ Matthew E. McClintock
By ______________________________
Matthew E. McClintock
Counsel for Official Committee of Unsecured Creditors

# # #

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows:

[ ] The Court waived the requirement of approval under LR 9021, with the consent of counsel.

[ ] The following counsel waived the requirement of approval:

[ ] No parties appeared or filed written objections, and there is no trustee appointed in this case.

[x] A copy of this proposed order was delivered to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below: (list each party and whether the party has approved or failed to respond to the document).

Greg Garman, counsel for Zyen, LLC (Approved)

Laurel Davis, Fennemore Craig, P.C. (Approved)